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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**THALIA PAPAYANNOPOULOU**

Junior Party  
(U.S. Patent No. 5,843,438),

v.

**BORIS MASINOVSKY, WILLIAM M. GALLATIN**

PAUL J. SIMMONS  
Senior Party  
(U.S. Application No. 08/448,649).

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Patent Interference No. 105,378 (MPT)  
(Technology Center 1600)

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**JUDGMENT - REQUEST FOR ADVERSE - Bd. R. 127(b)**

Before: McKelvey, *Senior Administrative Patent Judge*, Lane and Tierney, *Administrative Patent Judges*  
Tierney, *Administrative Patent Judge*.

Papayannopoulou has filed a request for adverse judgment. (Paper No. 61). The Board notes that, concurrent with the filing of its request for adverse judgment, Papayannopoulou filed an "agreement or understanding made in connection with or in contemplation of the termination

of the above-captioned interference.” (Papayannopoulou’s Submission, Bd. R. 41.205, Paper No. 62).

It is:

**ORDERED** that judgment on priority as to Count A, the sole count in interference, is awarded against Junior Party Papayannopoulou.

**FURTHER ORDERED** that Junior Party Papayannopoulou is not entitled to a patent containing claims 1-14 Papayannopoulou, U.S. Patent No. 5,843,438, all of which correspond to Count A.

**FURTHER ORDERED** that a copy of this paper shall be made of record in the files of U.S. Application No. 08/448,649 and U.S. Application No. 5,843,438.

**FURTHER ORDERED** that the parties’ attention is directed to 35 U.S.C. §135(c) and Bd. R. 205.

/SS/ Fred E. McKelvey )  
FRED E. McKELVEY )  
*Senior Administrative Patent Judge* )

/SS/ Sally G. Lane )  
SALLY G. LANE )  
*Administrative Patent Judge* )

/SS/ Michael P. Tierney )  
MICHAEL P. TIERNEY )  
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BOARD OF PATENT  
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